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NETH 22

Trial and Law Report
Series No. 55.

19th April, 1948.

UNITED NATIONS WAR CRIMES COMMISSION

Trial of Takamura Akio by a
Temporary Court Martial at Batavia,
6th November, 1946.

The following translation of the judgment has been made available to the Secretariat by Commander M. W. Mouton, Netherlands Representative on the Commission.

Pro Justitia.

No. 39/1946.

SENTENCE.

IN THE NAME OF THE QUEEN!

The Temporary Court-martial at Batavia in the case of the Prosecutor, *ratione officii*, against:

TAKAMURA, Akio, aged 25, born at Chuseihekudo, Korea, Yonin in the Japanese army, under arrest from 31st March, 1946 to 21st August 1946, then from 10th September 1946 in "Glodok" prison.

In view of the order dated 28th September 1946 issued by the Prosecutor committing the accused for trial by the Temporary Court-martial, in which order the accused is charged:

that he, in the periods to be mentioned further on, all being in time of war, as a subject of the enemy power, Japan, and holding the functions to be described later, committed war crimes at Semarang and caused such to be committed by, contrary to the laws and usages of war, ill-treating civilian.. internees as follows:

- I. in the period from about January, 1945 to July 1945 as commandant of the guards at anyrate as a guard at the vegetable fields opposite the Semarang High School, repeatedly, unnecessarily and in any case in a manner far exceeding the limits of a normal exercise of discipline, ill-treated or caused to be ill-treated men, women and children working on the said fields by deliberately kicking them, and hitting them with the hand or fist, a ~~life-preserver~~ or bit of iron piping, and causing women and children to do excessively heavy work;
- II. on or about 16th July 1945 in the Lampersarie camp office, in his function as kitchen supervisor for the Japanese personnel, maltreated the woman internee Maria Elisabeth Dijkgraaf nee Dusseldorp, by ~~first~~ cruelly and repeatedly beating her till blood flowed, with his military belt and then with a thick bit of branch, the above-mentioned ill-treatment

resulting in the -

resulting in the severe physical and mental suffering of the internee in question; which acts are provided for and made punishable by art:4 and following of the War Crimes Penal Law Decree, Statute Book 1946 No.45.

In view of the writ and summons dated 5th October, 1946 whereby the accused is called upon to appear at 9 a.m. on Monday, 14th October, 1946, at the session of the Temporary Court-martial sitting in the building of the former Supreme Court of the Netherlands East Indies;

In view of the demand read out by the Prosecutor and then handed to the Temporary Court-martial, to the effect:

that the Temporary Court-martial declare the accused

TAKAMURA AKIO

guilty of the war crime "bad treatment of civilian internees", and on that account sentence him to ten years imprisonment, the time passed by him in preventive arrest being deducted therefrom.

In view of the documents in the case insofar as use was made of these and that shown to and seen by the accused;

In view of that put forward in his defence by accused and the defending counsel;

Considering that accused denies in general having committed any war crime, and also denies having committed the acts named under section I of the charge in the period mentioned in the same section;

acknowledges the fact named in section II, the ill-treatment of internee Maria Elisabeth Dijkgraaf née Dusseldorp, and when under examination at the sitting has stated:

that from the middle of April till middle of June 1945 he was a guard at the kitchen gardens opposite the Semarang High School;

that he was not responsible for the work in the kitchen gardens and never meddled in that work the responsible person being KIMURA;

that his job was to supervise the HEIHO's (see note on last page) and see that while working in the kitchen gardens the internees had no contact with the said HEIHO's;

that boys from the boys' camp Bangkong came to work every day in the immediate neighbourhood of the kitchen gardens;

that with regard to the women internees, according to the Japanese Camp Regulations the age for those working on the land could vary from 16 to 35;

that the 35 age limit was daily transgressed by interned women older than that who wanted to try and get into contact with their sons out of the boys' camp;

that he, having regularly noticed this transgression of the age limit and the aforementioned contact, allowed this to go on the quiet;

that he never beat interned men, women and children;

that, however, once near the shed in the grounds he ^{he said} gave a youth, Job Marsman, aged about 23, five or six blows with his hand because the youth had called him a dog;

that once in the office he gave a lady called Maria Elisabeth Dijkgraaf née Dusseldorp a number of slaps on the face, without however causing her any harm other than a slight swelling, because the aforesaid Maria Elisabeth Dijkgraaf née Dusseldorp had accused him behind his back of, respectively embezzlement or theft, at any rate she had spoken ill of him;

that finally in his opinion the work the interned women and children had to do was in fact too heavy;

Considering that-

Considering that in the respective statements taken from them during the general investigation by an unnamed interrogator, on 11th April 1946 by Dr. J. Vesseur, Lieutenant in the Reserve, charged with the investigation of war crimes, 5th April 1946 by E. van Essen, inspector of police 1st class, member of the Netherlands War Crimes Investigation Team, Singapore, and 12th February, 1946 by M. P. L. A. R. J. van Aubel, 2nd Lieutenant in the Reserve, which statements of their interrogation appear among the documents in the case and have been shown and read out to the accused, the following witnesses have stated chiefly, confirming on oath except as regards the first witness:

Miss: Meihuizen, B.F.:

that as a nurse she attended to a youth called Job Marsman who, having received physical punishment from TAKAMURA, showed the marks of having been beaten with a stick, kicked on the shins and in general seriously ill-treated;

Oehlers, George Johannes:

that he was witness of punishments the accused gave to women working in the vegetable garden opposite the new High School in Semarang;

that the reason for the beatings was that the women in question spoke to their children;

that he himself saw a woman, whose name he never knew and who was talking to her son, beaten by accused with a bit of iron piping till she became unconscious;

Collette, Anna Hermine Alonsya Maria née Wijnhoven:

that when in the aforesaid vegetable garden she tried to get into contact with her small boy, accused, having first pointed out to her that she was "wrong", seriously ill-treated her with a leather strap on the end of which a life-preserver had been fixed, as a result of which ill-treatment her back was completely raw and she had to be carried on a stretcher to a nearby hospital hut where she had to spend the rest of the day;

Collette, Maria Therese:

that she herself saw the aforesaid witness, her mother, being seriously ill-treated by the accused with a strap on the end of which was a life-preserver;

that the woman thus ill-treated had to spend the rest of the day in a hospital hut;

Dijkgraaf, Maria Elisabeth née Dusseldorp:

that having been taxed by the accused with maligning him she was beaten by him, first with a strap and then with a thick bit of branch, as a result of which she bled from the arm and her back was black and blue;

Considering with regard to the evidence respecting the facts with which accused is charged under I:

that accused has acknowledged having beaten the aforesaid Job Marsman;

that accused has acknowledged having beaten the afore-mentioned Maria Elisabeth Dijkgraaf née Dusseldorp;

that against accused's denial that he ever beat civilian internees in the vegetable garden must be set the three statements made by George Johannes Oehlers, Anna Hermine Alonsya Maria Collette née Wijnhoven and Maria Therese Collette, all three of which principally contained the fact that accused did beat civilian internees in the kitchen garden;

that with regard to the ill-treatment of Mrs. Collette the Court has decided to recognise the statements, strengthened by oath, of Anna Hermine Alonsya Maria Collette and Maria Therese Collette as having full evidentiary force;

that therefore the accused's guilt as regards this part of the charge has been legally and convincingly proved;

Considering that-

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Fiat of Execution:

Fiat of execution granted this day, 31st October, 1946, by me:
C.O. Amacab.

s/J.E. Ysebaert,
Commanding officer of the
A.M.A.C.A.B., Batavia.

Pronounced at the sitting of the Temporary Court-martial on
6th November 1946 by:

Dr. J.H. Peter, Col., President, in the presence of Dr. M.L. Swaab, Lt. Col. and
Dr. J.G.H. van der Starp, 1st Lieut., Capt. L.G. Roeter Steenbruggen, member,
having been prevented by other official duties from appearing, and in the
presence of Warant Officer A.V. de Leau, Secretary and Dr. H.J. Rutgers prosecutor,
the accused also being present.

Noted by me:
The Secretary,
s/H.V. de Leau.

The President,
s/J.H. Peter.

N.B. - HEIHO = member of an auxiliary army of volunteers formed of
inhabitants of the N.E.I.
Some of their units were incorporated in the Japanese army
and did pioneer work at the front. When not at the front
they worked in agriculture or as coast watchers.
Was originally a compulsory labour service but in October,
1944 was reorganised as above. 7